

capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1963

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1963, a bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

S. 2607

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2607, a bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts.

S. 2730

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2730, a bill to extend and enhance the COBRA subsidy program under the American Recovery and Reinvestment Act of 2009.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from New York (Mr. SCHUMER) were added as co-

sponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2752

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2752, a bill to ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

S. 2787

At the request of Mr. THUNE, the names of the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. WICKER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2787, a bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MERKLEY (for himself, Mr. BAUCUS, Mr. WYDEN, and Mr. TESTER):

S. 2791. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, today I am pleased to be joined by my colleagues Senators RON WYDEN, MAX BAUCUS, and JON TESTER, as I introduce the Forest Harvest Opportunity Act. This legislation will provide a very simple, yet critical, solution to a significant problem currently facing timber communities across the country.

As we all know, rural communities across the country have been hit particularly hard by our current economic recession. The unemployment rate for rural counties is far greater than the national average; it surpasses 20 percent in many of the rural communities in my own home state. As my colleagues have heard me mention on numerous occasions, many of our rural communities have been doubly hurt by the current economic recession because they depend on harvests from federally-owned forest land as a major component of their economies. These communities have already been struggling because timber harvests on our Federal land have been declining, but they are facing even worse situations today because the collapse of the housing market has caused a precipitous drop in timber prices.

For some of our forestry companies, this creates an even worse situation: the contracts they have to harvest timber on Federal land are now worthless. Many of these contracts were signed

with the Forest Service or the Bureau of Land Management before the recession, when timber prices were still high. However, because of the decline in timber prices, harvesting today would cost forest companies more than the wood is worth and could cause ruinous problems for some of these companies.

The solution is simple common sense: allow companies to apply for additional time to harvest wood they have contracted for in times of unique economic circumstances. This simple change would allow these companies to delay the harvest until the price of timber had returned to a point that enabled the forest companies to earn a profit on the harvest. This change is not a novel idea. In fact, the Forest Service has rules in place allowing to do exactly that. Unfortunately, the Bureau of Land Management does not have similar rules in place. So, based simply on which agency a company has a contract with—and in Oregon Forest Service and BLM lands can be side-by-side—these companies may be forced to harvest timber at a loss or walk away from a contract they have won after a fair bidding process.

The Forest Harvest Opportunity Act provides a simple solution and allows these companies—and only companies who have contracts right now during the current recession—to petition for and receive an extension so they can harvest when timber prices return to a normal rate. This bill is a simple solution to address an important problem. Enacting this legislation would provide significant economic help for communities that are already among the hardest-hit by this economic downturn. I look forward to working with my colleagues for its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2791

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Forest Harvest Opportunity Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ECONOMY-RELATED CONTRACT EXTENSION.**—The term “economy-related contract extension” means the addition of 3 years to the expiration date of a qualifying contract for the right to cut and remove timber.

(2) **QUALIFYING CONTRACT.**—The term “qualifying contract” means a contract, executed on or before December 31, 2008, for the sale of timber from land administered by the Bureau of Land Management—

(A) for which there is unharvested volume remaining;

(B) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for an economy-related contract extension; and

(C) that has not been terminated prior to the request for an economy-related contract extension under section 3(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) **TIMBER PURCHASER.**—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from land administered by the Bureau of Land Management.

### SEC. 3. ECONOMY-RELATED CONTRACT EXTENSIONS.

(a) **REQUEST.**—Not later than 30 days after a timber purchaser requests an economy-related contract extension of a qualifying contract between the Secretary and the timber purchaser, the Secretary shall modify the qualifying contract to add 3 years to the contract expiration date.

(b) **WAIVER OF CLAIMS AS OF EXTENSION.**—The timber purchaser shall waive any and all claims the timber purchaser has against the United States involving the qualifying contract that exist on the date that the Secretary modifies the qualifying contract under subsection (a).

(c) **CLAIMS PRIOR TO DATE OF EXTENSION.**—Nothing in this Act affects any claim by the United States against any timber purchaser, including claims that arose under a qualifying contract before the date on which the Secretary extends the contract expiration date under subsection (a).

By Mr. LEAHY (for himself and Mr. VOINOVICH):

S. 2793. A bill to amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. Mr. President, today I am introducing the Strengthening and Updating Resources and Equipment, SURE, Act, a bill that will enable our country's first responders to maintain important equipment to protect our communities. I thank Senator VOINOVICH for his support of this important legislation. First responders across the country provide critical protection from attacks on our Nation, and we should ensure they have the tools they need to keep our communities safe and prepared.

On September 22, the Federal Emergency Management Agency announced a considerable change in their policy regarding the use of preparedness grants. The new guidelines state that recipients of Urban Area Security Initiative and State Homeland Security Grant Program SHSGP, funds may no longer use the funds for maintenance of equipment beyond the period of performance for the grant. This shifts the burden of maintenance costs for important homeland security equipment to States and communities, many of which are already struggling in the current economic downturn.

Much of the equipment purchased with these grants is complex and costly to maintain, and disallowing the use of grants to cover expensive maintenance costs means that many communities will have to forego the use of systems in which they have already invested

precious resources. Also, many State and local governments may be unable to purchase essential equipment because they would be unable to cover the maintenance costs in future years.

A plan to implement a statewide communications system for first responders in my home state of Vermont is severely hampered by this policy change. State and local officials have been developing this system, known as the Lifeline System, for years and have planned for implementation by combining portions of 4 years of SHSGP grants with additional law enforcement funding. Upon completion of this important system for statewide coordination, considerable funds will be required to ensure that the system remains effective. If Vermont is unable to use preparedness grants for future maintenance, the Lifeline System may become inoperable, severely diminishing statewide coordination for homeland security and emergency management. I have heard from law enforcement officials in Vermont like Lieutenant Michael Manning of the Vermont State Police about how changes in these grant programs will affect state emergency law enforcement services.

The SURE Act would make changes to the Homeland Security Act of 2002 to clarify that the administrator of these grants may not place limitations on the use of preparedness grants for maintenance costs. This important clarification means that State and local law enforcement will be able to apply funds they receive to sustain the vital systems and equipment that have been put in place to keep our communities safe.

Our Nation's law enforcement officers deserve our commitment to provide them with the tools they need to carry out their duties. I support and respect our State and local police officers and all of our first responders, and am proud to recognize their role in upholding the rule of law and keeping our Nation safe and secure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2793

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening and Updating Resources and Equipment Act” or the “SURE Act”.

#### SEC. 2. CLARIFICATION ON USE OF FUNDS RELATING TO CERTAIN HOMELAND SECURITY GRANTS.

(a) **IN GENERAL.**—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (a)(4), by inserting before the semicolon at the end the following: “, and any related maintenance agreements, user fees, or sustainment costs”; and

(2) in subsection (b)(3), by adding at the end the following:

“(C) **EQUIPMENT MAINTENANCE.**—With respect to the use of amounts awarded to a

grant recipient under section 2003 or 2004 for equipment purchase and maintenance costs, the Administrator may not—

“(i) impose a limit on the amount of any such award that may be used to pay for such purchase and maintenance costs, including any costs referred to in subsection (a)(4); or

“(ii) impose any additional limitation, including any fiscal year limitation, beyond any limitation under this section, on the amount of any such award that may be used for a specific type, purpose, or category of equipment purchase or maintenance cost.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this section and shall apply to grants made under section 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), in accordance with the provisions specified in section 2008 of such Act (6 U.S.C. 609), as amended by subsection (a) of this section, on or after October 1, 2008.

By Mr. ENZI (for himself, Mr. NELSON, of Nebraska, Mr. ALEXANDER, Mr. BURR, Mr. COBURN, Mr. GREGG, Mr. HATCH, Mr. ISAKSON, Mr. MCCAIN, Ms. MURKOWSKI, and Mr. ROBERTS):

S. 2796. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce legislation to extend for 1 year the Ensuring Continued Access to Student Loans Act of 2008, ECASLA. Without this extension, hundreds of thousands of students may not have access to student loans for the 2010–2011 academic year.

Since 1965, the Federal Family Education Loan, FFEL, program has successfully helped millions of Americans realize the dream of a college education. Today, it continues to provide student loans for nearly 70 percent of America's college students at over 3,400 schools. However, during the credit crisis of 2008 many private, non-profit FFEL lenders encountered difficulty raising the necessary capital to make student loans, and others left the FFEL program. Congress responded by passing the bipartisan, cost-neutral Ensuring Continued Access to Student Loans Act of 2008. ECASLA preserved liquidity in the student loan market by giving the Secretary of Education temporary authority to purchase student loans made under the FFEL program. It has been a resounding success—it has preserved liquidity in the student loan market, it has been cost neutral, in fact it has generated revenue and, most importantly, it has maintained student access to FFEL loans.

However, while it was meant to be temporary, serious problems persist in the financial markets and many private, non-profit FFEL lenders are again considering leaving the FFEL program when ECASLA expires on July 1, 2010. The potential consequences could be catastrophic for America's college students, many of whom will be unable to secure student loans for 2010–2011 academic year without a functioning FFEL program.

Given this predicament, the solution is simple—extend ECASLA for an additional year. Unfortunately, instead of working with Congress to pass a clean, bipartisan, one-year extension of ECASLA, the Department of Education is pursuing yet another government takeover and placing undue pressure on FFEL-participating schools to switch to the government-run Direct Loan, DL, program. Some schools will make this choice, but most do not want to because the FFEL program provides a product and services that meet individual student needs rather than the one-size-fits-all approach of the government-run DL program.

Moreover, schools begin making financial aid determinations in January—just seven weeks from now. Given that it can take 4 months to make the switch to the government-run DL program, most schools do not have the time, staff, resources or capacity to make the switch while at the same time attending to the financial aid needs of current and enrolling students. Furthermore, making the switch is not simply a matter of “flipping a switch,” as the Department of Education asserts. Among other things, schools must install new computer software, hire and train financial aid personnel, and receive substantial technical assistance from the Department of Education. While the Department has been able to successfully assist the several hundred schools that have made the switch over the past year, thousands will need assistance over the next 7 months. The Department simply does not have the resources to devote the necessary time and attention to all of these schools, which will frantically be trying to switch before ECASLA expires on July 1, 2010.

At this point, the only responsible course of action for Congress is to pass a clean, one-year extension of ECASLA. This will ensure that students have access to student loans, and will give Congress the time needed to have a serious and well thought discussion about the future of the Federal student loan program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2796

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF STUDENT LOAN PURCHASE AUTHORITY.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsections (a)(1), (a)(3)(A), and (f), by striking “July 1, 2010” and inserting “July 1, 2011”; and

(2) in subsection (e)—

(A) in the matter preceding clause (i) of paragraph (1)(A) and the matter preceding subparagraph (A) of paragraph (2), by striking “September 30, 2010” and inserting “September 30, 2011”;

(B) in paragraph (2), by striking “February 15, 2011” and inserting “February 15, 2012”; and

(C) in paragraph (3), by striking “2010, and 2011” and inserting “2010, 2011, and 2012”.

#### SEC. 2. EXTENSION OF AUTHORITY TO DESIGNATE LENDERS FOR LENDER-OF-LAST-RESORT PROGRAM.

Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)) is amended—

(1) in paragraph (6), by striking “June 30, 2010” and inserting “June 30, 2011”; and

(2) in paragraph (7), by striking “June 30, 2010” and inserting “June 30, 2011”; and

(3) in paragraph (9)(A)—

(A) in the matter preceding subclause (I) of clause (ii), by striking “June 30, 2011” and inserting “June 30, 2012”; and

(B) in subclause (III) of clause (ii), by striking “June 30, 2010” and inserting “June 30, 2011”; and

(C) in the matter preceding subclause (I) of clause (iii), by striking “July 1, 2011” and inserting “July 1, 2012”.

By Mr. UDALL of Colorado (for himself and Mr. RISCH):

S. 2798. A bill to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing, along with my colleague Senator RISCH, the National Forest Insect and Disease Emergency Act of 2009.

This bipartisan bill will provide additional tools and resources to the U.S. Forest Service to help address a serious natural disaster in many western forests—the deaths of millions of acres of trees due to insect infestations. This is an issue of long-standing concern in the West and of the utmost importance. Since my very first days in Congress nearly 11 years ago, I have been fighting for Colorado’s forest health. This day has been a long time in coming for me, but it is by no means the end of the fight. We still have a long way to go in combating this problem, and it is a fight I intend to see to the end.

The bill that Senator RISCH and I are introducing today addresses any and all insect and disease outbreaks in our national forests. But this bill is in direct response to an especially pronounced epidemic of bark beetles in western States. This epidemic is creating serious concerns in our communities regarding our forested regions, the recreational economy of these areas, and water supplies and infrastructure that exist on these lands.

In essence, this bill is about securing our communities from a natural threat—a threat that is as potentially devastating and disruptive as a hurricane or an earthquake. This threat is a function of both human actions and natural processes—especially global climate change.

I recently had the chance to show one of our colleagues the devastating impact of the bark beetle epidemic. Senator JOHN MCCAIN joined me at a hearing of the National Parks Sub-

committee, which I chair, in August in Estes Park, CO. Senator MCCAIN and I saw firsthand the march of the bark beetle as it is making its way through Rocky Mountain National Park. We were both struck by the extent of dead trees colored rust red by this insect.

Bark beetles and other insects that feed on trees are a natural part of the forest ecology. When present at normal levels, they provide benefits to the forest ecology by thinning dense tree stands, creating openings for wildlife, and promoting cyclical regrowth.

Today, various parts of the U.S.—but especially western States—continue to experience unnaturally large-scale infestations of bark beetles and other insects that have resulted from past policies and warming climate conditions.

Recent periods of drought have weakened the trees on Forest Service land and caused the trees to be more susceptible to fire and insects. In addition, population growth on land adjacent to Forest Service land has exacerbated the threats posed by insect-killed trees by placing large numbers of citizens, homes, and businesses at greater risk of catastrophic wildland fire.

And because hundreds of miles of power transmission lines and dozens of communication sites are surrounded by dead trees that will fall due to rotted root systems, the probability that trees will fall on power transmission lines, thereby resulting in wildfires and power transmission disruptions for long periods of time, has substantially increased.

Falling dead trees are also a hazard along hundreds of miles of roads and trails, threatening the safety of motorists and recreationists and disrupting access to, and through, Forest Service land. Hundreds of developed recreation sites, including campgrounds, picnic areas, and trailheads, contain dead trees that threaten recreationists. If these dead trees are not removed, these developed recreation sites will need to be closed to preserve public safety. We are in fact experiencing these closures in Colorado.

Moreover, parcels of Forest Service land in many locations contain headwaters of water supplies for many communities. Severe wildfires that remove vegetative cover pose a threat to the quantity and quality of water by exposing soil to erosion, thereby causing a transfer of sediment to rivers, reservoirs, and water conveyance systems. In other words, the fire threats posed by these dead trees can have serious implications to providing water not only to local communities, but also to major cities downstream that rely upon rivers and streams flowing from forested mountain regions.

All of these concerns demand that we take action to help address these threats. That is what this bipartisan bill does.

It does so by establishing “insect emergency areas”—that is, areas defined by the Forest Service as experiencing significant tree mortality that

results in increased wildfire threats and risks to people and infrastructure from falling dead trees. These areas would be in the States from the Rocky Mountains to the Pacific coast, States that are experiencing large-scale insect outbreaks.

Within these areas, the Forest Service would be directed to provide priority treatment to reduce these threats. The Forest Service would also be allowed to apply funds from the Agricultural Credit Act program, which compensates individuals for removing biomass for productive uses, towards the removal of beetle-killed trees.

The bill also provides incentives to convert this removed vegetation into biofuels.

It allows the Forest Service to apply the streamlined National Environmental Policy Act provisions to expedite environmental analysis of the treatment work that is urgently needed in these high-priority emergency areas.

In addition to this focus on emergency areas the bill authorizes an important tool to help communities respond to wildfire threats on nearby Forest Service land. The States of Colorado and Utah have had the benefit of this tool since it was provided by Congress in 2000. This tool, called the "Good Neighbor Authority," allows the Forest Service to contract with state foresters to enter Forest Service lands and implement treatments to reduce threats next to homes and private property whose owners have, in many cases, removed dead trees and performed treatments on their own property adjacent to Forest Service land. This program has been very successful, and the bill we are introducing today will allow all states to benefit from this authority and make it permanent law.

The bill also helps the Forest Service more effectively implement "stewardship contracting" as a tool for fuels treatment work. This contracting, which is distinct from traditional timber sale contracts, allows the Forest Service to fashion agreements to perform treatment for trees—like insect-killed trees—that may not have high commercial value. This program has also been extremely successful in helping to reduce fire threats in areas that do not possess high commercially valued timber.

However, the Forest Service has not had the funding it needs to use this tool more extensively. As a result, the bill would make this "stewardship contracting" program permanent, and it would eliminate the requirement that the Forest Service set aside funds in the very unlikely event that it would have to cancel these contracts and pay back the contractors. The bill would authorize the Forest Service to use other funds to cancel these contracts as well as seek appropriations to pay for any contract cancellations. In so doing, the bill will help make this tool more available and allow more funds to

be applied to urgently needed, on-the-ground treatment work.

I have been working with Colorado communities, the Forest Service and stakeholders since 2000 on forest health issues and responding to this bark beetle threat. I have supported providing additional tools and resources to the Forest Service to respond to this threat, such as the Healthy Forest Restoration Act, and focusing increased funds in the high hazard wildland/urban interface near communities.

This bill is an effort to continue providing such tools and resources so that we can reduce the impacts to people and property, reduce loss of life fighting catastrophic wildfires, and promote a more healthy forest ecosystem. I am relieved that we in Colorado did not experience a serious wildfire season this year like we have experienced in years past—and like we will probably face in the years ahead. But we must be ready to respond to these fires that will inevitably come. This bill takes a step in that direction. It will not solve all issues related to forest health or stop all fires. Fire is a necessary part of our forests. But the bill will help us reduce threats and promote healthy ecosystems and economies.

I look forward to working with my colleagues from both sides of the aisle in seeing this bill passed.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2798

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Insect and Disease Emergency Act of 2009".

#### SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to ensure that adequate emphasis is placed on the mitigation of hazards posed by large-scale infestations of bark beetles and other insects through the establishment of insect and disease emergency areas;
- (2) to ensure that increased resources are available within each designated insect and disease emergency area to mitigate hazards associated with—
  - (A) falling trees;
  - (B) increased fire hazards; and
  - (C) the restoration of National Forest System land; and
- (3) to make permanent, as of the date of enactment of this Act, existing good neighbor and stewardship contracting authorities.

#### SEC. 3. DEFINITIONS.

In this Act:

- (1) **AFFECTED STATE.**—The term "affected State" includes each of the States of—
  - (A) Arizona;
  - (B) California;
  - (C) Colorado;
  - (D) Idaho;
  - (E) Montana;
  - (F) Nevada;
  - (G) New Mexico;
  - (H) Oregon;
  - (I) South Dakota;
  - (J) Utah;

- (K) Washington; and
- (L) Wyoming.

(2) **INSECT AND DISEASE EMERGENCY AREA.**—The term "insect and disease emergency area" means an area of National Forest System land—

(A) that is located in an affected State that is not—

- (i) designated as wilderness; or
- (ii) an area recommended for wilderness in a forest land and resource management plan;
- (B) in which an insect and disease infestation emergency exists, as determined by the Secretary; and

(C) that is designated by—

- (i) section 4(a); or
- (ii) the Secretary under section 4(c).

(3) **INSECT AND DISEASE INFESTATION EMERGENCY.**—The term "insect and disease infestation emergency" means an insect or disease infestation that has resulted in—

- (A) a current or future increased risk of catastrophic wildland fire; or
- (B) an increased threat posed by hazard trees to—

- (i) utility corridors;
- (ii) communication sites;
- (iii) roads;
- (iv) recreation sites;
- (v) water structures (such as reservoirs and water conveyance systems); or
- (vi) other infrastructure.

(4) **MAP.**—The term "map" means the map entitled "Insect Emergency Areas".

(5) **NATIONAL FOREST SYSTEM.**—The term "National Forest System" has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

#### SEC. 4. DESIGNATION OF INSECT AND DISEASE EMERGENCY AREAS.

(a) **DESIGNATION.**—Each area depicted on the map is designated as an insect and disease emergency area under this Act.

(b) **MAP.**—

(1) **DUTY OF SECRETARY.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map for insect and disease emergency areas designated by subsection (a) with—

- (A) the Committee on Energy and Natural Resources of the Senate;
- (B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
- (C) the Committee on Natural Resources of the House of Representatives; and
- (D) the Committee on Agriculture of the House of Representatives.

(2) **FORCE OF LAW.**—The map filed under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary may correct typographical errors in the map and the legal descriptions.

(3) **PUBLIC AVAILABILITY.**—The map filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **DESIGNATION BY SECRETARY.**—

(1) **IN GENERAL.**—The Secretary may designate additional insect and disease emergency areas in accordance with each requirement described in this subsection.

(2) **INITIATION.**—The designation of an insect and disease emergency area may be made by the Secretary—

- (A) on the initiative of the Secretary; or
- (B) in response to a request by any Governor of an affected State.

(3) **DEADLINE.**—If the Governor of a State described in paragraph (2)(B) requests the Secretary to designate as an insect and disease emergency area an area located in the State, the Secretary shall accept or deny the request by a date that is not later than 90

days after the date on which the Secretary receives the request.

(4) **LIMITATION ON DELEGATION.**—With respect to National Forest System land, the Secretary, acting through the Chief of the Forest Service, may delegate the authority to make a designation under this subsection only to a Regional Forester of the National Forest System land.

(5) **PROCEDURE.**—If the Secretary designates an additional insect and disease emergency area under paragraph (1), the Secretary shall—

(A) publish a notice of the designation of the insect and disease emergency area (including a map of the insect and disease emergency area) in the Federal Register; and

(B) notify—

(i) each appropriate State; and

(ii) the appropriate committees of Congress.

(6) **APPLICABILITY.**—A designation made by the Secretary under paragraph (1) shall not be subject to—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-289); or

(C) any other applicable law (including regulations).

#### **SEC. 5. RESPONSE TO EMERGENCY DESIGNATION.**

(a) **PRIORITY TREATMENTS.**—In carrying out the management of an insect and disease emergency area, the Secretary shall give priority consideration to—

(1) the removal of hazardous fuels and hazardous trees on, and the restoration of the health of, National Forest System land located in the insect and disease emergency area; and

(2) the provision of assistance to State and local governments, Indian tribes, and private landowners for the removal of hazardous fuels and hazardous trees on, and the restoration of the health of, each parcel of land located in the insect and disease emergency area—

(A) that is under the jurisdiction of the State or local government or Indian tribe; or

(B) the title of which is held by a private landowner; and

(3) the making of payments under section 9011(d)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(d)(1)(B)) to each individual or entity that collects or harvests renewable biomass from a parcel of National Forest System land located in an insect and disease emergency area.

(b) **EMERGENCY FOREST RESTORATION.**—In implementing the emergency forest restoration program under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206), the Secretary may make payments to an owner of a parcel of nonindustrial private forest land that is located in an insect and disease emergency area to carry out emergency measures in response to an insect and disease infestation emergency under this Act.

(c) **BIOMASS.**—Any biomass removed from a parcel of land located in an insect and disease emergency area shall be considered to be renewable biomass for purposes of the renewable fuel standard under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(d) **HEALTHY FOREST RESTORATION.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may apply each requirement described in sections 104 and 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514, 6515) to projects that are carried out to remove hazardous fuels and hazardous trees on, and to restore the health of, National Forest System land that is located in an insect and disease emergency area.

(2) **JUDICIAL REVIEW.**—Section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516) shall apply to each project described in paragraph (1).

#### **SEC. 6. GOOD NEIGHBOR AUTHORITY.**

(a) **STATE FOREST SERVICES.**—

(1) **AUTHORITY OF SECRETARY.**—Notwithstanding chapter 63 of title 31, United States Code, and any provisions of law related to competition, the Secretary may enter into a contract (including a sole source contract) or agreement (including an agreement for the mutual benefit of the Secretary and the State), as appropriate and consistent with all applicable general and specific operating procedures established by the Forest Service for such contracts and agreements (including labor and wage requirements), with a State to permit the State to perform watershed restoration and protection services on National Forest System land located in the State if the State is carrying out similar and complementary watershed restoration and protection services on adjacent State or private land.

(2) **AUTHORIZED SERVICES.**—Watershed restoration and protection services described in paragraph (1) include—

(A) the treatment of insect-infested trees;

(B) the reduction of hazardous fuels; and

(C) any other activity that is carried out to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) **ADMINISTRATIVE PROVISIONS.**—

(1) **NATIONAL FOREST MANAGEMENT ACT OF 1976.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a contract or other agreement under subsection (a)(1).

(2) **ASSUMPTION OF LIABILITY.**—The State shall assume liability, to the extent allowed by Federal, State, and local law, for the actions or omissions of employees or subcontractors of the State in preparing or implementing a contract or agreement under this title.

(3) **SUBCONTRACTS.**—A State may subcontract, to the extent allowed by State and local law, to prepare or implement a contract or agreement under this title.

(4) **DISPUTE RESOLUTION.**—Any dispute under a contract or agreement under subsection (a)(1) shall be resolved in accordance with, as applicable—

(A) the dispute clause of the contract or agreement;

(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.); or

(C) section 1491 of title 28, United States Code.

(c) **RETENTION OF RESPONSIBILITIES UNDER NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—With respect to any watershed restoration and protection service on National Forest System land that is proposed to be carried out by a State under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State or any officer or employee of the State.

(d) **APPLICABILITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the authority provided by this section applies only to National Forest System land located in affected States.

(2) **SECRETARY OF THE INTERIOR.**—With respect to public land that is located in an affected State and administered by the Secretary of the Interior (acting through the Bureau of Land Management), the Secretary of the Interior may carry out activities under this section on the public land.

#### **SEC. 7. STEWARDSHIP CONTRACTING.**

(a) **CANCELLATION COSTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, including section 304B

of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), the Secretary may not obligate funds to cover the cost of canceling a Forest Service multiyear stewardship contract under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) until the date on which the multiyear stewardship contract is cancelled.

(2) **COSTS OF CANCELLATION OR TERMINATION.**—The costs of any cancellation or termination of a multiyear stewardship contract described in paragraph (1) may be paid from any appropriations that are made available to the Forest Service.

(3) **ANTI-DEFICIENCY ACT.**—In the case in which the appropriations described in paragraph (2) are exhausted—

(A) the exhaustion shall not be considered to be a violation of section 1341 of title 31, United States Code; and

(B) the Secretary shall seek a supplemental appropriation.

(b) **PERMANENT AUTHORITY.**—Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) is amended by striking “Until September 30, 2013, the” and inserting “The”.

#### **SEC. 8. EFFECT.**

Nothing in this Act affects or diminishes the rights of any owner of private property.

#### **NATIONAL FOREST INSECT AND DISEASE EMERGENCY ACT OF 2009 SECTION BY SECTION SUMMARY**

##### **SEC. 1 SHORT TITLE**

The National Forest Insect and Disease Emergency Act of 2009

##### **SEC. 2 PURPOSES**

(1) To ensure adequate emphasis is placed on the mitigation of hazards posed by large-scale infestation of bark beetles and other insects through the establishment of insect and disease emergency area;

(2) To ensure increased resources are available within each designated insect and disease emergency area to mitigate hazards associated with falling trees, increased fire hazards and the restoration of national forest system land; and

(3) To make permanent, as of the date of enactment of this Act, existing good neighbor and stewardship contracting authorities.

##### **SEC. 3 DEFINITIONS**

This section describes which states are included in the provisions of this bill, as well as what constitutes an emergency area.

(1) **Affected State:** Those States that this bill includes. AZ, CA, CO, ID, MT, NV, NM, OR, SD, UT, WA, WY.

(2) **Insect and Disease Emergency Area:** Where the action mechanisms of this bill can be used.

(3) **Insect and Disease Infestation Emergency:** This section gives direction on what constitutes an emergency for action as described in this bill.

(4) **Map:** self descriptive.

(5) **National Forest System:** self descriptive.

(6) **Secretary:** of Agriculture

##### **SEC. 4 DESIGNATION OF INSECT AND DISEASE EMERGENCY AREAS**

This section describes how the ‘map’ is determined—either by the Secretary or by a request to the Secretary from the affected states’ Governors. It also describes the public notification process and outlines how NEPA and any other applicable laws apply. This section essentially says the insect and disease emergency areas are lines on a map—without effect. The analysis of effects occurs when an action on the ground is proposed.

## SEC. 5 RESPONSE TO EMERGENCY DESIGNATION

(a) Priority Treatments: This section describes priorities for treatment—not in order of preference. The intent is for the agency to treat the identified areas before general forest.

The section also allows for assistance to State and local governments, Indian tribes and private landowners for the removal of hazardous trees and restoration of the health of land located in the insect and disease emergency area.

(b) Biomass Use: This provision states priority should be given to those areas that are in the insect and disease emergency areas when determining BCAP funded areas. BCAP is to assist with the collection, harvest, storage, and transportation of biomass material. 'The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to (1) a producer of an eligible crop that is produced on BCAP contract acreage; or (2) a person with the right to collect or harvest eligible material.' The Biomass Crop Assistance Program (BCAP) provides financial assistance to producers or entities that deliver eligible biomass material to designated biomass conversion facilities for use as heat, power, biobased products or biofuels. Initial assistance will be for the collection, harvest, storage and transportation costs associated with the delivery of eligible materials.

(c) Emergency Forest Restoration: This section provides funding assistance through grants for people who remove biomass from private property. 'The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.' This section adds the emergency areas described by this bill under this authority.

(d) Biomass: This amends the definition of the renewable fuels standard. The RFS specifically excludes material from NFS lands—this would include those lands in the insect and disease emergency area.

(e) Healthy Forest Restoration: This section allows the Forest Service to apply the streamlined NEPA provisions of the Healthy Forest Restoration Act to hazardous fuels removal, hazard tree removal and restoration of the health of National Forest land in the insect and disease emergency areas.

## SEC. 6 GOOD NEIGHBOR AUTHORITY

This provision makes the Good Neighbor authority permanent for all states.

## SEC. 7 STEWARDSHIP CONTRACTING

This provision makes Stewardship contracting permanent. It also changes the current requirement of the Federal Acquisition Regulation to fund costs of cancelling a contract at the time of award for a multi-year stewardship contract to a requirement for payment of contract cancellation at the time such cancellation may occur.

## SEC. 8 EFFECT

This section says that nothing in this act diminishes the right of private property owners.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 354—COM-  
MENDING ROBERT C. BYRD, SEN-  
ATOR FROM WEST VIRGINIA

Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN,

Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 354

Whereas, Robert C. Byrd has served for fifty-six years in the United States Congress, making him the longest serving Member of Congress in history,

Whereas, Robert C. Byrd has served over fifty years in the United States Senate, and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, Robert C. Byrd has had a long and distinguished record of public service to the people of West Virginia and the United States, having held more elective offices than any other individual in the history of West Virginia, and being the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator;

Whereas, Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, Robert C. Byrd has throughout his service in the Senate vigilantly defended the Constitutional prerogatives of the Congress;

Whereas, Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: now, therefore be it

Resolved, That the Senate recognizes and commends Robert C. Byrd, Senator from West Virginia, for his fifty-six years of exemplary service in the Congress of the United States.

## NOTICE OF HEARING

## COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 19, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 1635, the 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009, and S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that act, and for other purposes, to be followed immediately by an oversight hearing to examine drug smuggling and gang activity in Indian country.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on November 18, 2009, at 9:30 a.m. in room 106 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 18, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC  
WORKS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 18, 2009, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 18, 2009, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 18, 2009, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.